

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF HAWAII

SCARLET HONOLULU, INC.	)	1:21-CV-00457-JMS-KJM
and WALTER ENRIQUEZ dba	)	
Gay Island Guide,	)	
	)	RULE 16 SCHEDULING ORDER
Plaintiff,	)	
	)	
vs.	)	
	)	
HONOLULU LIQUOR COMMISSION,	)	
DEPARTMENT OF COMMERCE AND	)	
CONSUMER AFFAIRS, ROBERT AIU,	)	
KRISTEN KIMOTO, JACOB FEARS,	)	
CATHERINE FONTAINE	)	
	)	
Defendants.	)	
	)	

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**RULE 16 SCHEDULING ORDER**

Pursuant to Fed. R. Civ. P. 16 and LR 16.2, a scheduling conference was held on April 27, 2022, before the Honorable Kenneth J. Mansfield, United States Magistrate Judge. Appearing telephonically at the conference were James Dennis DiPasquale, Lex R. Smith, and Kendall J. Moser.

Pursuant to Fed. R. Civ. P. 16(e) and LR 16.3, the Court enters this scheduling conference order:

**TRIAL DATE:**

1. NON-JURY trial in this matter will commence before the Honorable J. Michael Seabright, Chief United States Judge on July 25, 2023, at 8:30 a.m.

**AMENDING PLEADINGS:**

2. All motions to join additional parties or to amend the pleadings shall be filed by September 26, 2022.

**EXPERT WITNESSES:**

3. Pursuant to Fed. R. Civ. P. 26(a)(2), each party shall disclose to each other party the identity and written report of any person who may be used at trial to present expert evidence under Rules 702, 703, or 705 of the Federal Rules of Evidence. The disclosures pursuant to this paragraph shall be according to the following schedule:

- a. Plaintiffs shall comply by December 12, 2022
- b. Defendants shall comply by February 13, 2023

Disclosure of the identity and written report of any person who may be called solely to contradict or rebut the evidence of a witness identified by another party pursuant to subparagraphs a and b hereinabove shall occur within thirty (30) days after the disclosure by the other party.

**DISCOVERY:**

4. Unless and until otherwise ordered by the Court, the parties shall follow the discovery plan agreed to by the parties herein pursuant to Fed. R. Civ. P. 26(f)

5a. Pursuant to Fed. R. Civ. P. 16(b)(3) and LR 16.2(a)(6), the discovery deadline shall be February 27, 2023. Unless otherwise permitted by the Court, all discovery pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive must be completed by the discovery deadline.

b. Unless otherwise permitted by the Court, all discovery motions and conferences made or requested pursuant to Federal Rules of Civil Procedure, Rules 26 through 37 inclusive of LR 26.1, 26.2 37.1 shall be filed no later than January 25, 2023.

**MOTIONS:**

6. Dispositive motions shall be filed by February 27, 2023.

7. Other non-dispositive motions, except for motions in limine and discovery motions, shall be filed by April 25, 2023.

8. Motions in limine shall be filed by June 27, 2023.

Any opposition memorandum to a motion in limine shall be filed by July 5, 2023.

**SETTLEMENT:**

9. A settlement conference shall be held on March 29, 2023, at 10:00 a.m. by Video Conference (VTC) before the Honorable Kenneth J. Mansfield, United States Magistrate Judge.

10. Each party shall deliver to the presiding Magistrate Judge a confidential settlement conference statement by March 20, 2023. The parties are directed to LR 16.5(b) for the requirements of the confidential settlement conference statement.

11. The parties shall exchange written settlement offers and meet and confer to discuss settlement before the date on which settlement conference statements are due.

**TRIAL AND FINAL PRETRIAL:**

12. Pursuant to LR 16.4, each party herein shall serve and file a separate final pretrial statement by June 6, 2023.

13. A Telephonic final pretrial conference shall be held on June 13, 2023, at 9:45 a.m. before the Honorable Kenneth J. Mansfield, United States Magistrate Judge.

14. By June 27, 2023, the parties shall pre-mark for identification all exhibits and shall exchange or, when appropriate, make available for inspection all exhibits to be offered, other than for impeachment or rebuttal, and all demonstrative aids to be used at trial.

15. By July 5, 2023, each party shall serve and file a final comprehensive witness list

indicating the identity of each witness that the party will call at trial and describing concisely the substance of the testimony to be given and the estimated time required for the testimony of the witness on direct examination.

16. The parties shall make arrangements to schedule the attendance of witnesses at trial so that the case can proceed with all due expedition and without any unnecessary delay.

17. The party presenting evidence at trial shall give notice to the other party the day before of the names of the witnesses who will be called to testify the next day and the order in which the witnesses will be called.

18. The parties shall meet and confer regarding possible stipulations to the authenticity and admissibility of proposed exhibits by July 5, 2023.

19a. By July 5, 2023, the parties shall serve and file statements designating excerpts from depositions (specifying the witness and page and line referred to) to be used at trial other than for impeachment or rebuttal.

b. Statements counter-designating other portions of depositions or any objections to the use of depositions shall be served and filed by July 11, 2023.

20. By July 11, 2023, each party shall serve and file a trial brief on all significant disputed issues of law, including foreseeable procedural and evidentiary issues, setting forth briefly the party's position and the supporting arguments and authorities.

21. By July 11, 2023 the parties shall file any objections to the admissibility of exhibits. Copies of any exhibits to which objections are made shall be attached to the objections.

22. The original set of exhibits and two copies (all in binders) and a list of all exhibits shall be submitted to the Court by July 18, 2023.

23. (RESERVED)

24. (RESERVED)

25. (RESERVED)

26. (RESERVED)

27. (RESERVED)

28. A final pretrial conference shall be held on July 13, 2023, at 10:00 a.m. in Aha Kaulike before the Honorable J. Michael Seabright, Chief United States Judge.

**OTHER MATTERS:**

The Confidential Settlement Conference Statements shall be delivered(one-set, double-sided) to the Clerk's Office **and** delivered electronically by emailing it to mansfield\_orders@hid.uscourts.gov.

The courtroom manager will provide the applicable participants with instructions and information to connect by video prior to the scheduled video conference date.

Until further notice, for all other hearings before Magistrate Judge Kenneth J. Mansfield, the parties are to participate via telephone through our AT&T Service. Call-in information for this conference is below. Parties must connect to the conference at least five (5) minutes prior to the scheduled start time of the hearing.


Dial in number is 1-877-848-7030

Access Code is 2123668

IT IS SO ORDERED.

DATED: Honolulu, Hawaii, April 27, 2022.



  
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Kenneth J. Mansfield  
United States Magistrate Judge